

12. 19-12

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December 18, 2012

LOTT & FISCHER

INTELLECTUAL PROPERTY

Reply to Ury Fischer
Ufischer@lfiplaw.com

2012 DEC 21 AM 10:28

Mail Stop Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

Via Express Mail
No. EM 693239565 US

Re: U.S. Patent No. 5,927,987 for
INTERACTIVE MODULAR EDUCATIONAL SYSTEM
Application No. 09/002,155; Filed on December 31, 1997
Issued on July 27, 1999
Our File No. 13023-8-0010

Dear Sirs,

This is a request for reconsideration of the decision dismissing Patentee's petition to accept the unintentionally delayed payment of the third maintenance fee in the above-captioned patent. As the decision notes, Patentee filed the petition with the correct surcharge fee, however, the maintenance fee submitted by Patentee was \$2,365.00 instead of the \$2,405.00 fee due. The maintenance fee submitted by Patentee was the amount due prior to the October 5, 2012 increase in fees. Patentee hereby encloses the additional \$40.00 fee due and the \$400.00 Reconsideration Petition Fee and respectfully requests that the office reconsider its decision and grant Patentee's petition.

Sincerely,

LOTT & FISCHER, PL

By: Ury Fischer
Attorney of record
USPTO Reg. No. 46,167

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01 FC:1599
02 FC:1462

40.00 OP
400.00 OP

INTELLECTUAL PROPERTY LAW:

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TRANSACTIONAL & LITIGATION MATTERS
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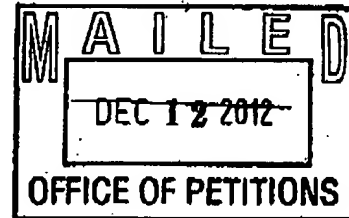
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In re Patent No. 5,927,987
Issue Date: July 27, 1999
Application No. 09/002,155
Filed: December 31, 1997
Title of Invention: INTERACTIVE MODULAR
EDUCATIONAL SYSTEM

This is a decision on the petition under 37 CFR 1.378(c)¹, filed October 25, 2012, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is not final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

The patent issued July 27, 1999. The patent expired for failure to timely pay the third maintenance fee. The window for payment of the third maintenance fee installment with a surcharge closed on July 27, 2011.

This petition, however, lacks compliance with item (1) under 37 CFR 1.378(c).

Effective October 5, 2012, the maintenance fee for a small entity was set at \$2405.00, not \$2365.00, and the surcharge for an unintentional delay was set at \$1640.00. A review of the materials filed for reinstatement of the instant patent reveals that a check in the amount of \$4005.00 was submitted. In so much as the funds submitted were insufficient and since no other payment means have been provided in the event of deficiencies, this petition is not grantable.

¹ 37 CFR 1.378(c) provides that a petition to accept an unintentionally delayed payment of a maintenance fee must be filed within twenty-four months of the six-month grace period provided in § 1.362(e) and must include:

- (1) The required maintenance fee set forth in § 1.20(e) through (g);
- (2) The surcharge set forth in § 1.20(l)(2); and
- (3) A statement that the delay in payment of the maintenance fee was unintentional.

In re Patent No. 5,927,987

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Finally, the address of record is different from that which appears in the petition. If petitioner desires to receive future correspondence regarding any Maintenance Fee Reminder which may be mailed concerning this patent, a Fee Address should be submitted to Maintenance Fee Division.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions